

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEXT LEVEL VENTURES, LLC, a
Washington limited liability company,

Plaintiff,

v.

AVID HOLDINGS LTD. F/K/A ALDEREGO
GROUP LTD., a Hong Kong limited liability
company, and DOES I-XX,

Defendants.

No. _____

**DECLARATION OF MICHAEL
BROSGART**

I, Michael Brosgart, declare as follows:

1. I am an adult residing in the State of California. I am over 21 years of age and make this declaration of my own personal knowledge. If called as a witness, I could and would competently testify to the facts as set forth here.

2. I am the COO of Next Level Ventures, LLC ("NLV").

3. On April 22, 2022 an arbitration award (the "Final Award") was made in the American Arbitration association in favor of NLV and against AVID Holdings Ltd. f/k/a AlderEgo Group, Ltd. ("AVID"). A copy of the Final Award is attached as Exhibit 1.

4. NLV markets and sells vaping devices and accessories (collectively "VDs") to distributors of VDs. NLV is a Washington limited liability company.

5. In 2018, NLV and AVID began working together. The parties entered into an Exclusive Distribution Agreement in 2019, and an Amended and Restated Exclusive Distribution

DECLARATION OF MICHAEL BROSGART - 1

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Davis Wright Tremaine LLP
LAW OFFICES
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1 Agreement (the "Agreement") in April 2020. Under the Agreement, AVID agreed to supply VDs
2 to NLV as the exclusive global distributor of those VDs. AVID breached the Agreement by
3 refusing to fill certain purchase orders and refusing to accept new purchase orders, by refusing to
4 indemnify NLV for NLV's costs and expenses incurred in defending a patent infringement
5 proceeding brought by third parties, and by breaching the Agreement's exclusivity provision. A
6 copy of the Agreement is attached as Exhibit 2.

7 6. I declare under criminal penalty under the laws of Washington that the foregoing
8 is true and correct.
9 8/2/2022

DATED this___ day of August, 2022.

DocuSigned by:

Michael Brosgart

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Michael Brosgart